

**REMARKS/ARGUMENTS**

Claim 65 is amended; claims 1-32, 36, 40, and 47-64 were previously canceled; claims 67-69 are new; claims 33-35, 37-39, 41-46, and 65-69 are pending in this application. No new matter is introduced by way of the Amendment. Support for the Amendment can be found, for example, in Figs. 1-4 and within paragraphs [0034]-[0036] of the Substitute Specification.

**Notice of References Cited:**

The Office Action made reference to Oral Translation of the Badin reference. A copy of the Oral Translation was supplied to applicant for the interview noted below, but the reference has not been made of record. Applicant respectfully requests that the Oral Translation be made of record in a new Notice of References Cited.

**Interview Summary:**

A telephonic interview took place on March 31, 2011, between Examiners Yanna Belyaev and Mathew Daniels and applicant's representative Christopher L. Willink. Applicant sincerely thanks the Examiners for granting and participating in the interview.

In the interview, the disputed teachings of the Dubs reference were discussed and no agreement was reached.

Further, the Badin reference was discussed and an agreement was reached that Badin does not recite the upper part and the central pressing stamp of claim 33. It is applicant's understanding that it is agreed that the portions above pin holders 9 and 10 in the figure of Badin are the side molds 2 and 3, and not the upper portions 4 and 5. This is logically shown by the cross-sectional patterns shown in the figures, as well as the fact that jaws 6 and 7 would not likely provide sufficient clamping pressure to molds 2 and 3 if arranged per the Office Action.

It was also agreed that it would not be obvious to incorporate the plunger of Rauh into the mold of Badin, because of Badin's laterally contiguous mold contours and by the use of pins. Badin's arrangement requires that one would have to remove mold portions 2 and 3, as

well as every other mold portion, to release a completed stopper, since the pins and inward portions of the lateral contours dictate. Logically, at such a point it would make little sense to one of ordinary skill in the art to incorporate a plunger to affect an already freed stopper.

In view of the interview, it is applicant's understanding that the rejection under 35 USC §103(a) to claims 33-35, 37-39, 41-45, and 65-66, with respect to Badin in view of Rauh and in further view of Dubs, is now moot, as well as the rejection under 35 USC §103(a) to claim 46, with respect to Badin in view of Rauh in view of Dubs and in further view of Davey.

With respect to Dubs, applicant reiterates that Dubs does not in any reasonable manner recite a *mold* having a planar surface surrounding said tolerance compensating recess on the head part, as recited on page 7 of the Office Action. Accordingly, the rejection is based on speculation and hindsight, since Dubs only shows a finished stopper as a design patent. Dubs makes absolutely no reference to how the stopper is produced. Such a stopper can be made in a variety of manners, and thus does not inherently recite the claimed structure of a mold. Put another way, a showing of a stopper, while speculating as to what sort of mold *could have made* the stopper, does not suffice for a showing of a structural aspect of the claimed mold.

Applicant also remarks as to the unique advantages of the claimed mold arrangement, which the prior art does not teach nor suggest. For example, the axially movable element or upper part 3, which is shown in Fig. 4 (on the right side of stamp 5 in open position) and on the left side in closed position, has again the advantage that it can be cooled independently of elements 8, 8' and 1. This allows for a reduced cycling time, but it also should be understood that the quality of the finished product, namely the stopper, is especially improved with regards to surface smoothness, when the elements of the mold can be better cooled between forming cycles.

Surface quality is one advantage according to the claimed invention, which is not present in a mold according to Badin in which the head part of the stopper does not have a planar surface as claimed. For example, the planar surface 14 formed by vertically movable element 3 (upper part), which cooperates with elements 8, 8' and plunger 5, will have a temperature lower

than elements 8, 8' and stamp 5. This is because element 3 and stamp 5 have only a relatively short contact time with the molten glass, with respect to the contact time of form elements 8, 8' with molten glass. The claimed apparatus especially results in a better quality of surface 14 of the glass stopper.


For at least the reasons cited above, the pending claims are patentable over Badin in view of Rauh and in further view of Dubs.

**CONCLUSION**

In view of the foregoing, applicant submits that this application is in condition for allowance, and a formal notification to that effect at an early date is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4380 (direct dial).

Respectfully submitted,



Christopher L. Willink  
Reg. No. 62,135

KILPATRICK TOWNSEND & STOCKTON LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
C3W:jhw  
63212009 v1